

Senate Study Bill 3043 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to a physician assistant's or advanced
2 registered nurse practitioner's authority in regard to
3 life-sustaining procedures.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 144A.2, Code 2014, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 1A. "*Advanced registered nurse practitioner*"
4 means an advanced registered nurse practitioner licensed
5 pursuant to chapter 152 or 152E.

6 NEW SUBSECTION. 1B. "*Attending advanced registered nurse*
7 *practitioner*" means the advanced registered nurse practitioner
8 selected by, or assigned to, the patient who has primary
9 responsibility for the treatment and care of the patient.

10 NEW SUBSECTION. 2A. "*Attending physician assistant*" means
11 the physician assistant selected by, or assigned to, the
12 patient who has primary responsibility for the treatment and
13 care of the patient.

14 NEW SUBSECTION. 10A. "*Physician assistant*" means a person
15 licensed under chapter 148C.

16 Sec. 2. Section 144A.2, subsections 9, 11, and 13, Code
17 2014, are amended to read as follows:

18 9. "*Out-of-hospital do-not-resuscitate order*" means a written
19 order signed by a physician, physician assistant, or advanced
20 registered nurse practitioner, executed in accordance with the
21 requirements of section 144A.7A and issued consistent with
22 this chapter, that directs the withholding or withdrawal of
23 resuscitation when an adult patient in a terminal condition is
24 outside the hospital.

25 11. "*Qualified patient*" means a patient who has executed
26 a declaration or an out-of-hospital do-not-resuscitate order
27 in accordance with this chapter and who has been determined
28 by the attending physician, attending physician assistant, or
29 attending advanced registered nurse practitioner to be in a
30 terminal condition.

31 13. "*Terminal condition*" means an incurable or irreversible
32 condition that, without the administration of life-sustaining
33 procedures, will, in the opinion of the attending physician,
34 attending physician assistant, or attending advanced registered
35 nurse practitioner, result in death within a relatively short

1 period of time or a state of permanent unconsciousness from
2 which, to a reasonable degree of medical certainty, there can
3 be no recovery.

4 Sec. 3. Section 144A.3, subsections 3 and 5, Code 2014, are
5 amended to read as follows:

6 3. It is the responsibility of the declarant to provide the
7 declarant's attending physician, attending physician assistant,
8 attending advanced registered nurse practitioner, or health
9 care provider with the declaration. An attending physician,
10 attending physician assistant, attending advanced registered
11 nurse practitioner, or health care provider may presume, in the
12 absence of actual notice to the contrary, that the declaration
13 complies with this chapter and is valid.

14 5. A declaration executed pursuant to this chapter may, but
15 need not, be in the following form:

16 DECLARATION

17 If I should have an incurable or irreversible condition that
18 will result either in death within a relatively short period
19 of time or a state of permanent unconsciousness from which,
20 to a reasonable degree of medical certainty, there can be no
21 recovery, it is my desire that my life not be prolonged by
22 the administration of life-sustaining procedures. If I am
23 unable to participate in my health care decisions, I direct
24 my attending physician, attending physician assistant, or
25 attending advanced registered nurse practitioner to withhold
26 or withdraw life-sustaining procedures that merely prolong the
27 dying process and are not necessary to my comfort or freedom
28 from pain.

29 Sec. 4. Section 144A.4, Code 2014, is amended to read as
30 follows:

31 **144A.4 Revocation of declaration.**

32 1. A declaration may be revoked at any time and in any
33 manner by which the declarant is able to communicate the
34 declarant's intent to revoke, without regard to mental or
35 physical condition. A revocation is only effective as to

1 the attending physician, attending physician assistant,
2 or attending advanced registered nurse practitioner upon
3 communication to such physician, physician assistant, or
4 advanced registered nurse practitioner by the declarant or by
5 another to whom the revocation was communicated.

6 2. The attending physician, attending physician assistant,
7 or attending advanced registered nurse practitioner shall make
8 the revocation a part of the declarant's medical record.

9 Sec. 5. Section 144A.5, Code 2014, is amended to read as
10 follows:

11 **144A.5 Determination of terminal condition.**

12 When an attending physician, an attending physician
13 assistant, or attending advanced registered nurse practitioner
14 who has been provided with a declaration determines that
15 the declarant is in a terminal condition, this decision
16 must be confirmed by another physician, physician assistant,
17 or advanced registered nurse practitioner. The attending
18 physician, attending physician assistant, or attending advanced
19 registered nurse practitioner must record that determination in
20 the declarant's medical record.

21 Sec. 6. Section 144A.6, subsection 2, Code 2014, is amended
22 to read as follows:

23 2. The declaration of a qualified patient known to
24 the attending physician, attending physician assistant,
25 or attending advanced registered nurse practitioner to be
26 pregnant shall not be in effect as long as the fetus could
27 develop to the point of live birth with continued application
28 of life-sustaining procedures. However, the provisions
29 of this subsection do not impair any existing rights or
30 responsibilities that any person may have in regard to the
31 withholding or withdrawal of life-sustaining procedures.

32 Sec. 7. Section 144A.7, subsection 1, unnumbered paragraph
33 1, Code 2014, is amended to read as follows:

34 Life-sustaining procedures may be withheld or withdrawn from
35 a patient who is in a terminal condition and who is comatose,

1 incompetent, or otherwise physically or mentally incapable of
2 communication and has not made a declaration in accordance with
3 this chapter if there is consultation and written agreement for
4 the withholding or the withdrawal of life-sustaining procedures
5 between the attending physician, attending physician assistant,
6 or attending advanced registered nurse practitioner and any of
7 the following individuals, who shall be guided by the express
8 or implied intentions of the patient, in the following order
9 of priority if no individual in a prior class is reasonably
10 available, willing, and competent to act:

11 Sec. 8. Section 144A.7, subsection 3, Code 2014, is amended
12 to read as follows:

13 3. Subsections 1 and 2 shall not be in effect for a patient
14 who is known to the attending physician, attending physician
15 assistant, or attending advanced registered nurse practitioner
16 to be pregnant with a fetus that could develop to the point
17 of live birth with continued application of life-sustaining
18 procedures. However, the provisions of this subsection do
19 not impair any existing rights or responsibilities that any
20 person may have in regard to the withholding or withdrawal of
21 life-sustaining procedures.

22 Sec. 9. Section 144A.7A, subsection 1, Code 2014, is amended
23 to read as follows:

24 1. If an attending physician, attending physician
25 assistant, or attending advanced registered nurse practitioner
26 issues an out-of-hospital do-not-resuscitate order for an adult
27 patient under this section, the physician, physician assistant,
28 or advanced registered nurse practitioner shall use the form
29 prescribed pursuant to subsection 2, include a copy of the
30 order in the patient's medical record, and provide a copy to
31 the patient or an individual authorized to act on the patient's
32 behalf.

33 Sec. 10. Section 144A.7A, subsection 3, paragraph e, Code
34 2014, is amended to read as follows:

35 e. The physician's, physician assistant's, or advanced

1 registered nurse practitioner's signature.

2 Sec. 11. Section 144A.8, subsection 1, Code 2014, is amended
3 to read as follows:

4 1. An attending physician, attending physician assistant,
5 or attending advanced registered nurse practitioner who is
6 unwilling to comply with the requirements of section 144A.5, or
7 who is unwilling to comply with the declaration of a qualified
8 patient in accordance with section 144A.6 or an out-of-hospital
9 do-not-resuscitate order pursuant to section 144A.7A, or who is
10 unwilling to comply with the provisions of section 144A.7 or
11 144A.7A shall take all reasonable steps to effect the transfer
12 of the patient to another physician, physician assistant, or
13 advanced registered nurse practitioner.

14 Sec. 12. Section 144A.9, subsection 1, paragraphs a and c,
15 Code 2014, are amended to read as follows:

16 a. A physician, physician assistant, or advanced registered
17 nurse practitioner who causes the withholding or withdrawal of
18 life-sustaining procedures from a qualified patient.

19 c. A person who participates in the withholding or
20 withdrawal of life-sustaining procedures under the direction of
21 or with the authorization of a physician, physician assistant,
22 or advanced registered nurse practitioner.

23 Sec. 13. Section 144A.9, subsection 2, Code 2014, is amended
24 to read as follows:

25 2. A physician, physician assistant, or advanced registered
26 nurse practitioner is not subject to civil or criminal
27 liability for actions under this chapter which are in accord
28 with reasonable medical standards.

29 Sec. 14. Section 144A.11, subsection 3, Code 2014, is
30 amended to read as follows:

31 3. A physician, physician assistant, advanced registered
32 nurse practitioner, health care provider, health care service
33 plan, insurer issuing disability insurance, self-insured
34 employee welfare benefit plan, or nonprofit hospital plan
35 shall not require any person to execute a declaration or an

1 out-of-hospital do-not-resuscitate order as a condition for
2 being insured for, or receiving, health care services.

3 Sec. 15. Section 144D.4, subsection 3, Code 2014, is amended
4 to read as follows:

5 3. If the individual's physician, physician assistant,
6 or advanced registered nurse practitioner has issued an
7 out-of-hospital do-not-resuscitate order pursuant to section
8 144A.7A, the POST form shall not supersede the out-of-hospital
9 do-not-resuscitate order.

10 Sec. 16. Section 235B.2, subsection 5, paragraph b,
11 subparagraph (3), Code 2014, is amended to read as follows:

12 (3) The withholding or withdrawing of health care from
13 a dependent adult who is terminally ill in the opinion of a
14 licensed physician, physician assistant, or advanced registered
15 nurse practitioner, when the withholding or withdrawing of
16 health care is done at the request of the dependent adult or at
17 the request of the dependent adult's next of kin, attorney in
18 fact, or guardian pursuant to the applicable procedures under
19 chapter 125, 144A, 144B, 222, 229, or 633.

20 Sec. 17. Section 235E.1, subsection 5, paragraph b,
21 subparagraph (3), Code 2014, is amended to read as follows:

22 (3) The withholding or withdrawing of health care from
23 a dependent adult who is terminally ill in the opinion of a
24 licensed physician, physician assistant, or advanced registered
25 nurse practitioner, when the withholding or withdrawing of
26 health care is done at the request of the dependent adult or at
27 the request of the dependent adult's next of kin, attorney in
28 fact, or guardian pursuant to the applicable procedures under
29 chapter 125, 144A, 144B, 222, 229, or 633.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill relates to a physician assistant's or advanced
34 registered nurse practitioner's authority in regard to
35 life-sustaining procedures. The bill grants a physician

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1 assistant and an advanced registered nurse practitioner the
2 same authority as a physician to issue an out-of-hospital
3 do-not-resuscitate order for an adult patient pursuant to
4 Code chapter 144A, to withhold life-sustaining procedures in
5 accordance with the Code chapter, to consult and be party to a
6 written agreement for withholding life-sustaining procedures
7 pursuant to the Code chapter, and to determine that a patient
8 has a terminal condition.
9 The bill makes conforming changes.